



Application No.: 09/820,887

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U.S. Patent No. 5,937,887 and European Patent Doc. No. 1 219 815 and German Patent Document No. 43 29 976 were cited in a communication from the European Patent Office in a counterpart foreign application EP 02076260 of the present application. PCT Patent Doc. No. 98 05861 was previously cited in the Information Disclosure Statement filed December 10, 2001.

In lieu of a statement of relevance or translation of the non-English documents, copies of the search reports from the European Patent Office EP in application Nos. 01204876 and 02076260 citing these documents and setting forth the relevance thereof is enclosed. The search reports clearly indicate the relevance of each documents by using the conventional "X", "Y", "A", etc., identifiers.

Applicants have also attached a large copy (11 in. by 17 in.) of composite photographs taken of cross-sections of six fuel injectors listed on the PTO-1449. A reduced size (8.5 in. by 11 in.) version of the same is enclosed for the Examiner's convenience.

Each of the composite photographs was believed to be generated on October 1999. Each of these composite photographs was generated as follows. A fuel injector was obtained by Applicants' assignee and was sliced in halves with a diamond cutter. One-half of the fuel injector was polished so that details of the internal components would be visible in a photograph. A digital camera, believed to be a Hitachi VKC-350 with a resolution of about 500 by 800 pixels, was used to photograph small sections of each injector. This process was repeated until all six fuel injectors were photographed. Only the composite photographs were saved.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form PTO-1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are materials or

constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Should the Examiner have any questions, Applicants respectfully invite the Examiner to contact Applicants' representative at 202.739.5743.

**EXCEPT** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
Scott J. Anchell  
Reg. No. 35,035

Date: October 4, 2002

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